IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1540 OF 2005
IN
NOTICE OF MOTION NO. 750 OF 2003
IN
SUIT NO. 1488 OF 1980

Shymlal T. Hinduja ... PLAINTIFF

V/s.

Chetandas Vehromal and Ors. ... DEFENDANTS

Ms. Kranti Hiwrale i/b. P.G. Lad for the plaintiff.
None for the defendant.

CORAM : ANOOP V. MOHTA, J.
DATED : 24th March, 2006

P.C.

. The learned Counsel appearing for the plaintiff undertakes to file affidavit of service within one week to support the case that all defendants are served.

2. Accepting this statement, I proceed to pass following order :-

i) Considering the averments made in support of Notice of Motion for restoration of Notice of Motion No. 750 of 2003 which was dismissed for default on 1st April, 2005, I am of the view that a reasonable cause is shown, therefore this Notice of Motion is

allowed in terms of prayer clause (a) & (b);

(a) That the order of dismissal of the above Notice of Motion No. 750 of 2003 dated 1st April, 2005 be set aside and the said Notice of Motion No. 750 of 2003 be restored to file;

(b) That the delay, if any, in taking out this Notice of Motion be condoned;

however, this is subject to cost of Rs. 1000/- to be deposited with Prothonotary & Senior Master within two weeks as a condition precedent.

3. The Notice of Motion accordingly disposed of.

[ANOOP V. MOHTA, J.]